

132. IMPOUNDING OF VEHICLES

132.01. Definitions. Subdivision 1. As used in this chapter the terms defined in this section shall have the meanings ascribed to them.

Subd. 2. "Vehicle" means any motor vehicle, trailer or other vehicle used or intended to be used for the transportation of persons or property, including all property or cargo located within, loaded upon or attached to any such vehicle.

Subd. 3. "City engineer" includes not only the city engineer but also all other employees of the city in the department of public services and other persons, firms or corporations hired or retained by the city to perform the duties required of the city engineer under this chapter.

Subd. 4. "Unlawfully parked vehicle" means any vehicle which is unlawfully parked, abandoned or left unattended upon the streets or public grounds of the city in violation of state laws or this code.

Subd. 5. "Streets and public grounds" means all public streets, highways, roads, alleys, lanes, and park roads in the city and all public grounds owned by and in the city.

132.02. Removal of Unlawfully Parked Vehicles. The city engineer, chief of police, or their designees, are authorized to remove or cause to be removed any vehicle which is unlawfully parked upon the streets or public grounds of the city in violation of state law or the provisions of this code. A police officer is authorized to remove any vehicle for safety and evidentiary reasons when the vehicle's driver is taken into custody. Any vehicle removed pursuant to this section may be towed or otherwise transported to any public or private garage, parking area or storage area in the city and impounded in such garage or parking area until reclaimed by the owner or other person entitled to possess the vehicle.

132.03. Section 132.03 - repealed by Ordinance Number 3181 - July 7, 1998.

132.04. Notification to Owners. The police department shall establish such administrative procedures as are necessary to obtain immediate notification of all vehicles removed from streets or public grounds and stored and impounded in accordance with the provisions of this chapter and shall, as soon as practicable and in no event later than 48 hours after impoundage, notify the person indicated by registration to be the owner of a removed and impounded vehicle, of the following:

(1) A general description of the impounded vehicle together with the number of the license plate thereon.

(2) The approximate time and reason for removal and impoundage.

(3) The place where such vehicle has been impounded and the hours during which the vehicle can be reclaimed.

(4) The charge to be paid by the owner for removal and storage of such vehicle shall not exceed the schedule of charges approved by from time to time by resolution of the common council.

The notification to the owner shall be in writing and shall be deposited with postage prepaid in the United States mail at Rochester, Minnesota addressed to the registered owner at the address given on the vehicle registration or other last known address.

132.05. Reclaiming Impounded Vehicles. Any vehicle removed, stored and impounded in accordance with this chapter may be reclaimed by the owner or other person

entitled to possession thereof, during reasonable hours established by the police department for this purpose, which hours shall include at least the period from 8:00 a.m. to 5:00 p.m. on Monday through Friday of each week, except legal holidays.

Before any such impounded vehicle shall be surrendered by the police department, the owner or other person entitled to possession thereof shall satisfactorily establish his ownership or right to possession and shall pay all charges imposed for towing or transportation and storage of the impounded vehicle.

132.06. Removal from Impounding Area. No person shall remove any vehicle lawfully impounded in accordance with the provisions of this chapter from any impounding area without first satisfactorily establishing his ownership or right to possession and paying all charges imposed for towing or transportation and storage of such vehicle.

132.07. Penalty Not Excused. Nothing in this chapter shall be construed to relieve the owner or other person responsible from any fine or penalty otherwise imposable because of the unlawful parking of a vehicle in violation of state law or this code.

(1422, 11/6/67; 1743, 2/4/74; 1924, 12/19/77; 2168, 2/7/81; 2679, 2/6/90; 3181, 7/7/98; 3254, 6/22/99)